

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25921 OF 2005

Dated 6th December 2005

Between:

K.Venkateswarlu

...Petitioner

And

The APSRTC, rep. by its Managing Director,

Musheerabad, Hyderabad & another.

...Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25921 OF 2005

ORDER:

The petitioner was initially appointed as Junior Assistant on 9.1.1980, and was assigned the duties in the Finance Section in the APSRTC. Thereafter, he was promoted as Senior Assistant (finance) on 10.1.1997. Through his proceedings, dated 17.11.2005, the second respondent posted the petitioner to Warangal-2 Depot. It was stated that the post of Senior Assistant (finance), in the office of the second respondent, has become excess, and being the junior most, the petitioner was required to work in Warangal-2 Depot. The petitioner challenges the same.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The second respondent passed the impugned order, posting the petitioner to Warangal-2 Depot. Hitherto, the petitioner was working in the office of the second respondent, as Senior Assistant (finance). It was clearly pointed out in the impugned order that the petitioner is a junior most, and the post of Senior Assistant (finance) has become excess.

The corporation has its own staffing pattern. Number of posts in the depots and offices keep on fluctuating, depending on the number of employees, or number of vehicles being operated. This Court cannot sit in judgment over the view expressed by the second respondent that the post of Senior Assistant (finance) has become surplus. The petitioner did not plead any facts to suggest that the respondents have retained any juniors to him. Once he is the junior most Senior Assistant (finance), petitioner has to face either reversion, or the posting to a different place. The second course of action appears to be more beneficial to the petitioner, inasmuch as it accords pay protection. However, as and when the second respondent undertakes filling up of posts of Senior Assistant (finance) in his office, he shall be under obligation to reappoint the petitioner to that post.

For the foregoing reasons, the writ petition is disposed of, directing that the second respondent shall consider the case of the petitioner, on priority basis, in the event of steps being taken for filling up the vacancies of Senior Assistant (finance) in his office, and that the pay and allowances of the petitioner shall be protected. There shall be no order as to costs.

6th December 2005

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